

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27085 of 2021

Arising Out of PS. Case No.-509 Year-2020 Thana- NAUBATPUR District- Patna

SMT. SITA DEVI W/O SRI RAM AYODHYA MISTRI R/O VILLAGE-
JALPURA, P.S.-NAUBATPUR, DISTRICT-PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Mishra, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 27-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 04.10.2020, seeks
regular bail in connection with Naubatpur P.S. Case No. 509 of
2020 registered for offences punishable under Section
304(B)/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

Prosecution case, in brief, is that one Jagdish Mistri,
who is the informant of the case, had married his daughter Usha
Kumari with one Mukesh Mistri in the year 2015. Soon after the
marriage, all the family members of his son-in-law including the



present petitioner, who is the mother-in-law of the deceased, started demanding dowry and for non-fulfillment of demand of dowry as well as vehicle, the daughter of the informant was murdered on 02.10.2020 by strangulating her neck.

Learned counsel appearing on behalf of the petitioner submits that nothing specific has come in the case diary against the petitioner who is in custody since 04.10.2020. He further submits that the petitioner is willing to look after the two children of the deceased who are living alone. Petitioner is mother-in-law of the deceased and is an old lady and she was living separately from the husband of the deceased.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that there is allegation that the petitioner has used to torture the deceased.

Considering the facts and circumstances of the case, there is general and omnibus allegation against the petitioner who is an old lady and happens to be the mother-in-law of the deceased and the allegation of demand of dowry and assault is against the husband of the deceased Mukesh Mistri @ Mukesh Kumar. Nothing specific has come against the petitioner in case diary, there is no allegation of tampering the evidence or influencing the witnesses and the trial of the case is also not



likely to be concluded soon due to Covid-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Danapur, District-Patna in connection with Naubatpur P.S. Case No. 509 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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